

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA, for Itself
and as Trustee for the Zuni Indian Tribe, Navajo
Nation and Ramah Band of Navajos
and
STATE OF NEW MEXICO, ex rel. STATE
ENGINEER,

Plaintiffs,

and

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Plaintiffs in Intervention,

v.

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS,
and
A & R PRODUCTIONS, et al.,

Defendants.

No. 01cv00072-BB

**ZUNI RIVER BASIN
ADJUDICATION**

Sub-areas 1, 2, and 3 excluding
Ramah

Subfile No. ZRB-4-0313

CONSENT ORDER

The Court, having considered the agreement between the Plaintiffs, the United States of America ("United States") and the State of New Mexico ex rel. State Engineer ("State"), and:

STEVEN H. PETTIT AND KAREN C. PETTIT, COTRUSTEES OF THE
STEVEN AND KAREN PETTIT TRUST, DATED JULY 19, 2005

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, as set forth below FINDS:

1. The Court has jurisdiction over the United States, the State, the Defendant and the subject matter of this suit.

2. As evidenced by the parties' signatures below, the United States, the State, and the Defendant are in agreement concerning all elements of the right(s) of the Defendant set forth in paragraph 4 of this Consent Order to divert and use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah. This Consent Order and the parties' respective signatures below evidence the entire agreement between the United States, the State, and the Defendant regarding the elements of the water right(s) adjudicated by this Consent Order.

3. There is no just reason to delay entry of this Consent Order as a final judgment as between the United States, the State, and the Defendant regarding the elements of the claims of the Defendant adjudicated by this Consent Order.

4. The right(s) of the Defendant to divert and use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, is as set forth below:

POND

Map Label: 3C-5-SP003

Purpose of Use: LIVESTOCK

Priority Date: 10/6/1997

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 8,478

Storage Impoundment Volume (ac-ft): 0.584

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 5 T. 10N R. 15W 1/4, 1/16, 1/64: SE SE NW

X(ft): 2,542,561 **Y(ft):** 1,500,068

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP005A

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1961

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 232,400

Storage Impoundment Volume (ac-ft): 16.006

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 4 T. 10N R. 15W 1/4, 1/16, 1/64: SW SE SE

X(ft): 2,545,767 **Y(ft):** 1,499,403

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

POND

Map Label: 3C-5-SP043

Purpose of Use: RECREATION

Priority Date: 1/1/2008

Source of Water: Well

Point of Diversion: Fills from well 3C-5-W003 (Location X(ft): 2,540,861; Y(ft): 1,497,951);

Amount of Water:

Depth (ft): 10.0

Surface Area (sq.ft): 10,000

Storage Impoundment Volume (ac-ft): 0.229

Pond Location: As shown on Hydrographic Survey Map 3C-5

S. 8 T. 10N R. 15W 1/4, 1/16, 1/64: NE NW SW

X(ft): 2,540,886 Y(ft): 1,498,090

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft): 10.0

WELL

Map Label: 3C-5-W003

OSE File No: G 01982

Priority Date: 12/24/2003

Purpose of Use: 72-12-1 DOMESTIC ONE HOUSEHOLD

Well Location: As shown on Hydrographic Survey Map 3C-5

S. 8 T. 10N R. 15W 1/4, 1/16, 1/64: NE NW SW

X (ft): 2,540,861 Y (ft): 1,497,951

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water: Historical beneficial use not to exceed 1.33 ac-ft per annum

WELL

Map Label: 3C-5-W004

OSE File No: G 01999

Priority Date: 12/31/1962

Purpose of Use: NON 72-12-1 DOMESTIC & LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 3C-5

S. 8 T. 10N R. 15W 1/4, 1/16, 1/64: NE NW SW

X (ft): 2,540,817 Y (ft): 1,497,903

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water: Historical beneficial use not to exceed 2.04 ac-ft per annum

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, except as set forth in this Consent Order and other orders entered by this Court in this cause.

6. The Defendant, and Defendant's successors, representatives, heirs and assigns, should be enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, except in strict accordance with this Consent Order and other orders of the Court in this cause.

7. The water right(s) described herein, if any, are adjudicated as between the United States, the State, and the Defendant, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the right(s) of the Defendant to divert and use the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, are adjudicated as set forth herein, as between the United States, the State, and the Defendant. The Defendant, and Defendant's successors, representatives, heirs and assigns, are hereby enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 1, 2, and 3 excluding Ramah, except in strict

accordance with this Consent Order and other orders of this Court in this cause. The Court enters this Consent Order as a partial final judgment, binding on the United States, the State, and the Defendant as to the elements of Defendant's water right(s) set forth herein, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree, and subject to the terms of the final decree in this proceeding.

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

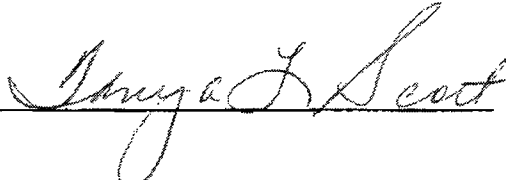
ACCEPTED:

Steven H. Pettit and Karen C. Pettit 2/20/2012
STEVEN H. PETTIT AND KAREN C. PETTIT, DATE
COTRUSTEES OF THE STEVEN AND KAREN
PETTIT TRUST, DATED JULY 19, 2005

ADDRESS:


P.O. Box 57 / 142C Toiyabe Canyon Rd.
Ramah, NM 87321

COUNSEL FOR THE DEFENDANT (IF REPRESENTED):



2/27/12
DATE

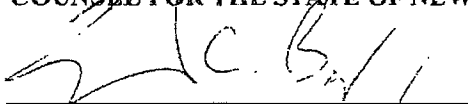
COUNSEL FOR THE UNITED STATES:



BRADLEY S. BRIDGEWATER
U.S. Department of Justice
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999 18th Street
Denver, CO 80202
(303) 844-1359

11/21/2011
DATE

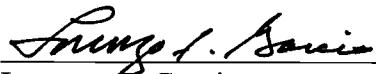
COUNSEL FOR THE STATE OF NEW MEXICO EX REL. STATE ENGINEER:



EDWARD C. BAGLEY
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150

11/29/2011
DATE

Approved:



Lorenzo F. Garcia
United States Magistrate Judge